

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MEDTRONIC, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 1:15cv946
)	
MICHELLE LEE,)	
Under Secretary of Commerce for)	
Intellectual Property and Director)	
of the United States Patent and)	
Trademark Office,)	
)	
Defendant.)	
_____)	

MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), defendant, through her undersigned counsel, hereby respectfully moves to dismiss plaintiff's complaint in the above-captioned action for a lack of subject-matter jurisdiction and Count IV of the complaint for failure to state a claim upon which relief can be granted. The grounds for this relief are fully-explicated in the simultaneously filed memorandum of law in support of the motion.

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Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

By: _____/s/_____
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DATE: September 25, 2015

ATTORNEYS FOR DEFENDANT

OF COUNSEL: Frances Lynch
Meredith Schoenfeld
Associate Solicitors
United States Patent & Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will transmit a true and correct copy of the same to the following:

Gregory Hayes Lantier
Wilmer Cutler Pickering Hale & Dorr LLP (DC)
1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Date: September 25, 2015

_____/s/_____
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